

PLANNING BOARD OF THE CITY OF BANGOR

MEETING OF JANUARY 4, 2005

MINUTES

Board Members Present:

**Robert Guerette, Chairman
Ryan King
David Clark
Hal Wheeler
Nathaniel Rosenblatt
Jonathan Siegel
Bill Masters
Patricia Cummings**

City Staff Present:

**David Gould
James Ring
Peter Witham**

Chairman Guerette called the meeting to order at 7:00 p.m.

PUBLIC HEARINGS

Item No. 1: Conditional Use and Site Development Plan Approval to reuse approximately 837-square feet of floor area on the first floor of the building at 71 Broadway for professional office use in a Multi-Family and Service District. Law Offices of Dean Beaupain, applicant.

Chairman Guerette indicated that this item was a Public Hearing and reviewed the hearing procedure. Chairman Guerette opened the Public Hearing, and asked the applicant to provide a brief overview of the proposal.

Attorney Dean Beaupain indicated that he is requesting approval to convert a residential unit into an office. Attorney Beaupain explained that instead of creating a new parking lot, he proposed to lease the adjacent parking lot.

Mr. Rosenblatt asked if Attorney Beaupain could explain the proposed parking arrangement. Attorney Beaupain indicated that there was really no change in parking proposed. The property has ten existing nonconforming spaces. The residential tenants are not typically on-site during the day, which leaves lots of room for business visits.

The leased lot on Pine Street is available if needed. Attorney Beaupain explained that while the parking could be provided on-site, by doing so, the existing lawn area would be lost.

Chairman Guerette asked for any other proponents. Mr. Glen Porter, 48 Penobscot Street, and the owner of the parking lot to be leased, indicated that he supported the office use in the building at 71 Broadway. Ms. Jean Deighan, 48 Penobscot Street, indicated that she is in support of the office at 71 Broadway. Ms. Deighan indicated that, previously, she used the Pine Street parking lot for her office. Ms. Deighan indicated that she felt that creative solutions need to be applied to the parking needs in the historic districts. Ms. Deighan indicated that she had letters of support for the proposal from several neighbors.

Chairman Guerette asked for Staff comments. Planner David Gould indicated that the applicant, Dean Beaupain, was requesting Conditional Use and Site Development Plan approval to convert a first floor residential dwelling unit into a professional law office at 71 Broadway in a Multi-Family and Service (M&SD) District.

Mr. Gould noted that office use is allowed in the Multi-Family and Service District if the property is located on a major arterial street. Mr. Gould explained that the floor area of the office can be no more than 3,000 SF, and in this instance it is less than 1,000 square feet. The project must meet the off-street parking requirement and that the existing spaces and the leased parking area satisfy this requirement.

The Planning Staff agrees that the reuse of historic buildings is a good idea. The Land Development Code calls for it, and off-site parking guidelines provide the flexibility for off-site leases. Mr. Gould noted that there was some confusion over the existing parking lot layout. Often off-site parking lots are not shown, although the Staff checks to verify that the spaces are available. In this instance, Staff checked the dimensions of the lot on the plan and they appeared inconsistent with accepted design standards. The parking lot was rechecked by the applicant, and found to be consistent with the standard design standards. The Site Plan was corrected.

Mr. Gould stated that the Board must find that the application meets: (1) the Standards of Section 165-9; (2) that the project meets the requirements of the district; (3) that the proposal will not create unreasonable traffic congestion; (4) that there are adequate utilities, and parking to support the use; and, (5) that the use is appropriate for the location. This mixed office-residential use is very fitting for this portion of Broadway.

The revised plan submitted is adequate and the revised lease arrangement provides for permanence in the arrangement. Mr. Gould indicated that Staff recommends that the Planning Board grant Conditional Use and Site Development Plan approvals.

Mr. Rosenblatt asked for clarification on parking, specifically, that since there is a parking requirement that the applicant must have the lease, this is a continuing obligation. Mr. Gould indicated that Mr. Rosenblatt was correct and that the applicant has a continuing burden to provide the required parking.

Mr. Masters asked if on-street parking could be counted. Mr. Gould indicated that it could not be. Mr. Masters asked if the City could consider more flexibility in counting on-street spaces or lesser requirements in certain circumstances, and not require off-site leases. He said that he felt that it seems to be an unnecessary burden.

Mr. Wheeler indicated that on-street parking might not always be available, but that the applicant, in this instance, can develop his own parking lot on-site if need be. He did not want to overlook the specifics of the ordinance in this instance. Mr. Masters clarified that he is interested in this as a long-term discussion item, not as an alternate solution to dealing with the pending application.

Mr. Rosenblatt moved to approve the Conditional Use for Dean Beaupain to have 837 square feet of office space at 71 Broadway. Mr. Wheeler seconded the motion, and the Board voted unanimously to approve the Conditional Use Permit for Dean Beaupain. Mr. Rosenblatt moved to approve the Site Development Plan for Dean Beaupain, 71 Broadway. Mr. Wheeler seconded the motion, and the Board voted unanimously to approve the Site Development Plan for Dean Beaupain at 71 Broadway.

Item No. 2: Approval of Minutes

Mr. Gould indicated the Board had not approved the Minutes of the November 16, 2004 and December 21, 2004 Meetings. Mr. Rosenblatt moved to approve the Minutes of the November 16, 2004 Planning Board Meeting. Mr. Wheeler seconded the motion, and the Board voted unanimously to approve the Minutes as written. Mr. King moved to approve the Minutes of December 21, 2004. The motion failed to receive a second. Mr. Wheeler indicated that he just received them and had not had adequate time to read them. Chairman Guerette indicated that the Minutes of December 21, 2004 would be deferred until the next meeting.

Item No. 3: Update on Comprehensive Plan Workshops

Chairman Guerette asked Staff to provide an update on the Comprehensive Plan Workshops. Mr. Gould asked all the Board members if they had a copy of the package distributed this evening. Mr. Gould indicated that as the first workshop is rapidly approaching, Staff are preparing Agendas, meeting notices, and other materials. The Board Members should speak now, as the details are being finalized.

Chairman Guerette reviewed the previous discussions on the workshop locations and recording details. Mr. Guerette invited the Board members to a press conference to be held at 10:00 a.m. on Thursday, January 6, 2005 in the City Council Chambers. Notices of the meetings have been distributed through various media outlets.

Mr. Rosenblatt noted that some background material indicates that the Planning Board is to brief the public, and asked if this is the intent. Mr. Gould indicated that Planning Staff would take the lead and Board Members would be provided with policy issues to be discussed. Mr. Wheeler indicated that the Staff has done a good job providing notice of the meetings. Mr. Wheeler felt that Board Members should have familiarity with the issues that repeatedly occur at our meetings, and that Board members can at least clarify their individual opinions and concepts of the Comprehensive Plan.

Chairman Guerette noted that there would likely be a Staff presentation on existing policies and potential changes. Mr. Gould noted that Staff was highlighting, quadrant by quadrant, issues to encourage discussion.

Mr. Masters asked if the discussion would include ordinance changes, like off street parking requirements. Mr. Gould indicated that it was intended as a Comprehensive Plan discussion, and that ordinance revisions would come later.

Mr. King asked why the survey has been changed from the 1990 version. Mr. Gould indicated that the different format reflects the distribution method. This survey is not going to be mailed, and is intended for those attending the workshops. The project budget does not allow the Planning Office to do the involved survey that was done for the last Comprehensive Plan.

ADJOURNMENT

Chairman Guerette called for a motion to adjourn. Mr. King moved to adjourn. Mr. Clark seconded the motion, and the Board adjourned at 7:39 p.m.